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13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 UNITED STATES OF AMERICA,

16 Case No. 2:21:cv-02155-APG-EJY

17 Plaintiff,

18 **DEFENDANT MARK DAVID**
GALLOWAY'S UNOPPOSED
MOTION TO SET REPLY BRIEF
DEADLINE

19 v.

20 MARK DAVID GALLOWAY,

21 Defendant.

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Defendant-Appellee, Mark David Galloway, by and through his counsel of record,
Benjamin F. J. Nemec, Assistant Federal Public Defender, moves this Court to set a deadline
for Mr. Galloway's Reply brief for April 22, 2022.

DECLARATION OF BENJAMIN F. J. NEMEC

1. I am counsel for Defendant-Appellee Mark David Galloway

2. This is the first motion requesting a Reply Brief Deadline, although I previously filed an unopposed motion to extend Opening and Answering Brief on December 14, 2021, ECF No. 4, which was granted on December 20, 2021, ECF No. 5, and the parties filed a stipulation for extension of time to file Answering brief on February 10, 2022, ECF No. 9, which was granted on March 3, 2022, ECF No. 10.

3. In the Order granting the parties' stipulation for extension of time to file an Answering Brief, there was no Reply brief deadline provided. ECF No. 10.

4. Previously, this Court had ordered a Reply brief deadline of 14 days after the government's Answering brief. ECF Nos. 2, 5.

5. In an abundance of caution, I am asking this Court to set a firm Reply brief deadline, and request that the deadline be set for **April 22, 2022**. This is so there is no confusion of when the Reply brief is due, and so that I may have additional time to file the Reply brief.

6. Additional time is required to file a Reply brief in this case because this is an appeal from a trial with three separate appealed orders and because I have had some health issues, both of which necessitate additional time for a Reply.

7. I have been diligent in handling this case. This Motion is filed solely in the interests of effectively representing Mr. Galloway and not for purposes of delay.

8. Mr. Galloway is out of custody and does not object to this request for an extension.

9. On March 29, 2022, I contacted counsel for the United States, Assistant United States Attorney Adam Flake. The government does not object to this request for a Reply brief deadline.

I certify under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,
RENE L. VALLADARES
Federal Public Defender

By: /s/ Benjamin F. J. Nemec
BENJAMIN F. J. Nemec
Assistant Federal Public Defender
Attorney for Mark David Galloway

IT IS SO ORDERED:

Dated: March 31, 2022


ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE